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NEW ALBERTSON'S, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND W. LONDON, on behalf of Himself and All Others Similarly Situated, Plaintiff, vs. NEW ALBERTSON'S, INC.; CERBERUS CAPITAL MANAGEMENT (CALIFORNIA), LLC; and DOES 1 through 25, inclusive, Defendants.	CASE NO.: 08-1173 HC AB Assigned to: Hon. Marilyn Huff **NOTICE OF MOTION AND MOTION TO DISMISS** **Hearing:** Date: August 11, 2008 Time: 10:30 a.m. Courtroom: 13, Fifth Floor Complaint filed: May 29, 2008

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on August 11, 2008 at 10:30 a.m., or as soon thereafter as this matter may be heard, in Courtroom 13, Fifth Floor, of the United States District Court for the Southern District of California located at 940 Front Street, San Diego, CA 92101-8900, Defendant New Albertsons, Inc. shall, and hereby does, move the Court for an Order dismissing all purported causes of action alleged by Plaintiff in the Complaint pursuant to Rules 9(b), 12(b)(1), and 12(b)(6) of the Federal Rules of Civil Procedure.

This motion is made on the grounds that each claim in the Complaint fails to state a claim upon which relief can be granted and fails to set forth the circumstances constituting the alleged wrongdoing with the required particularity. In addition, because Plaintiff lacks standing to bring this action, the Court lacks subject matter jurisdiction.

This motion is based upon this Notice of Motion and Motion, the accompanying memorandum of points and authorities and request for judicial notice filed concurrently herewith, and any evidence and argument presented at the hearing of this motion.

DORSEY & WHITNEY LLP

Dated: July 10, 2008

By: [signature]
KATHLENE W. LOWE
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NEW ALBERTSON'S, INC.